

Statement FOR SB 610

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I, Patricia Hail, am in favor of Senate Bill 610 as written to amend and extend Oregon State Laws regarding the definition, access, interference, and misrepresentation of Service Animals living and visiting in Oregon. I find SB 610 to be in the best interests of

1. Oregon State, legitimate guide/service dogs and their blind/disabled handlers.
2. Businesses (of all kinds) operating in Oregon;
3. The health, safety, and protection of businesses; their customers and employees; and adjudicated disabled persons and their legitimate, trained service dogs (and accepted exceptions of mini-horses);
4. The blind/deaf/disabled persons who must live in a sighted/hearing/non-disabled world and whose lives and access are enhanced by a legitimate guide/service dog trained to do tasks that mitigate the human handler's disability.

First, SB 610 upgrades the Definition of Service Animal to match the federal definition of the March 2011 changes in the Americans with Disabilities Act (ADA) which is under the jurisdiction of the U.S. Department of Justice (DOJ). www.ada.gov This is extremely important in our society; it puts everyone throughout the United States "on the same page" not only defining the use of service dogs by adjudicated disabled persons, but how businesses can approach persons with animals entering their businesses. As with all (federal) laws, the courts decide how to interpret and administrate the laws. The 2011 changes in the ADA regarding service **dogs** reflect decisions by the courts in the United States of America over the past several years.

Unfortunately, in today's society, and partially because of needed upgrades in civil rights and discrimination laws, and advances in technology, it seems to "accepted" to claim to be disabled and even more "fashionable" to morph a pet, therapy animal, or emotional support animal into a service dog so the animal can go "everywhere" people can. I use the term "unfortunately" because of the harm (often unintentional or out of ignorance) that can come from animals their owners are posing as service animals. Health and safety of the general public must be a top priority; also the liability of individuals and businesses who do not

understand or have the backing of Oregon State laws (as yet) to keep diseases and aggressive animals out of contact with their customers and employees. Yes, many diseases and pests are transmitted dog to dog, dog to person, and person to dog; and many people do not understand this or the constant care and training that goes along with having a guide/service dog that may be accepted for access when trained to mitigate an individual's disability. Attached are three segments from Assistance Dogs International, the industry – and federal – standard for behavior and training of service dogs that will clarify some of the process (also attached), training and expectations that go into the having/making of a legitimate service dog.

- ADI Service Dog Training Standards
- ADI Public Access Test
- ADI Minimum Standards for Certified Owner Trainer
- Process of Obtaining a Service Dog

Businesses operating in Oregon are having a difficult time keeping peoples' pets out of their place of business. Most are afraid of getting in trouble, hurt, and/or sued by people who bring their dogs into their businesses. Employees are told that if the customer says their animal is a service animal, then it must be allowed into their place of business. Why? Because there are no "teeth" in Oregon Law to stop the fraud committed – intentionally or not – by the people who misrepresent their pets as service animals and it is too expensive for the businesses to have to defend themselves in a civil lawsuit. (The feds usually won't take these kind of cases because the dogs are not trained to mitigate the legal disability of their handler, the feds have 'bigger fish to fry,' and/or it is too expensive for the average person or business to pursue.) This is so wrong – for the business, the customers, and the real service dog teams.

Even well-trained guide/service dog teams can be asked to remove an animal from a place of business if the animal is dirty, foraging, relieving/defecating, out of control (including any aggressive or inappropriate act). Health and safety of the other customers, employees, and the general public is a high priority. Oregon Department of Agriculture (OAR Ch. 6) has specific wording to prohibit pets from any place where food is stored, served, or prepared for human consumption. (OAR 6-501.115 Prohibiting Animals ...) Many businesses are trying to comply, others believe the laws (or rather lack thereof) limit what they can do about inappropriate pets in their stores.

We hear complaints from customers and employees of many businesses about the dirty, uncontrolled, and/or inappropriate pets that enter the stores under the guise of being "service animals/dogs." We hear the stories from business managers and owners about the filth and

inappropriateness of these so-called service animals. Employees, staff, managers, and owners have had to clean up messes caused by pets in places of business. As recently as last Thursday evening, March 21st, I was in the Newport Walmart; in less than 10 minutes I was jumped on by an unleashed, out of control pet (and owner) playing in Walmart; observed a man carrying a small unleashed dog with no collar through the checkout line following a woman with a cart piled with food (when they left the store, they got into a “farm truck” – not even a handicapped sticker); and a man enter the store leave, and return a minute or so later with a mangy-looking dog with an unkempt, ill-fitting harness and leash. After getting an ‘I’m sorry, but there is nothing I can do’ excuse from an assistant manager and more horror stories about dogs in Walmart, I left as quickly as I could. I filed a complaint with Walmart headquarters and the next morning filed a complaint with ODA. I do not expect things to get better until SB610 is passed and the education/enforcement bases begin to take hold. I will continue to try to educate.

The passage of SB610 will help protect our businesses and health and safety of the general public.

With reference to laws to protect our legitimate, well-trained guide/service dogs (and their disabled handlers) from harassment, interference, attack, injury and other inappropriate/aggressive actions by other animals and people: I could cite so many reasons and stories about why this part of SB 610 is so important. SB 610 goes a long way to address the attached statement written in justification of the need for laws regarding the interference of service dogs and their handlers. Our blind, deaf, and others with handicaps that limit one or more of major life’s functions (and are not treatable by medication and/or therapy) and are otherwise able to utilize a service dog to mitigate their disability need protection from the inconsiderate and/or ignorant people (and their animals) who ignore, discriminate, make fun of, harass, and are simply discourteous to them. Passage of SB 610 will help.

- Justification for Interference

Misrepresentation and Fraud: Higher (federal) courts have said that it is against the law:

- To misrepresent one’s self as a disabled person in order to obtain benefits afforded to the (truly) disabled. Today, it appears fashionable to be disabled to obtain some kind of benefit. Service dogs are specifically trained to perform tasks to mitigate an individual’s disability. I question the legitimacy (of disability) of the majority of people who claim their animals are service animals.

- To misrepresent one's pet as a service animal. Service dogs are highly trained in appropriate behavior and socialization skills as well as tasks that assist/accommodate a disabled person to accomplish things that they would normally do for themselves were it not for their disability.
- Misrepresent one's self or dog in order to obtain goods, services, and access to legitimate and appropriate trained service dogs and their disabled handlers. This covers a wide range of instances and the people involved are committing theft, fraud, and more.

Today many people purchase I.D. and service animal gear off of the internet claiming to be disabled and their pet is a trained service animal. Simply, they are committing fraud. This has got to be stopped! Businesses suffer, the health and safety of the general public is compromised, legitimate guide/service dogs suffer, and access, etc. is granted to persons who are committing fraud. SB 610 goes a long way to help remedy this situation. Laws must be made to limit and correct abuse and fraud.

- Justification for Misrepresentation

There are many things that could be done. The important thing is that Oregon update the laws; and do what they can to support businesses, the disabled, and legitimate service dog teams in Oregon. Passage of SB610 will bring Oregon up to date with the ADA guidelines and federal DOJ laws; promote responsible pet ownership; support businesses and the disabled with their task trained service dogs; and support our constituents – in all walks of life.

I will be happy to answer – or find the answer – to questions you may have. Websites for resources and answers to many questions include:

www.ada.gov

Regarding Service Animals – Definitions, etc.

www.adionline.org

Assistance Dogs International – Standards, Training guidelines/tests, Links to state laws, etc.

www.servicedogscentral.org

Q & A, Links, Court Cases, etc.

www.iaadp.org

International Association of Assistance Dog Partners – Links, Articles, Court Cases, etc.

Electronically Signed: *Patricia G. Hail*

Service Dogs

Training Standards

These are intended to be minimum standards for all assistance dog programs that are members or provisional members with ADI. All programs are encouraged to work at levels above the minimums.

1. The service dog must respond to commands (basic obedience and skilled tasks) from the client 90% of the time on the first ask in all public and home environments.
2. The service dog should demonstrate basic obedience skills by responding to voice and/or hand signals for sitting, staying in place, lying down, walking in a controlled position near the client and coming to the client when called.
3. The service dog must meet all of the standards as laid out in the minimum standards for Assistance Dogs in Public and should be equally well behaved in the home.
4. The service dog must be trained to perform at least 3 tasks to mitigate the client's disability
5. The client must be provided with enough instruction to be able to meet the ADI Minimum Standards for Assistance Dogs in Public. The client must be able to demonstrate:
 - That their dog can perform at least 3 tasks.
 - Knowledge of acceptable training techniques.
 - An understanding of canine care and health.
 - The ability to maintain training, problem solve, and continue to train/add new skills (as required) with their service dog.
 - Knowledge of local access laws and appropriate public behavior.
6. The assistance dog program must document monthly follow ups with clients for the first 6 months following placement. Personal contact will be done by qualified staff or program volunteer within 12 months of graduation and annually thereafter.
7. Identification of the service dog will be accomplished with the laminated ID card with a photo(s) and names of the dog and partner. In public the dog must wear a cape, harness, backpack, or other similar piece of equipment or clothing with a logo that is clear and easy to read and identifiable as assistance dogs.
8. The program staff must demonstrate knowledge of the client's disabilities in relation to the services they provide. The program shall make available to staff and volunteers educational material on different disabilities.
9. The client must abide by the ADI Minimum Standards of Assistance Dog Partners.

10. Prior to placement every service dog must meet the ADI Standards and Ethics Regarding Dogs, be spayed/neutered and have current vaccination certificates as determined by their veterinarian and applicable laws. It is the program's responsibility to inform the client of any special health or maintenance care requirements for each dog.

Public Access Test

WARNING

This test is here as information only. This test was designed to be administered by professional Assistance Dog Trainers.

Administering this test by non members of Assistance Dogs International is not authorized by Assistance Dogs International nor would completion of this test be considered certification by Assistance Dogs International.

Assistance Dogs International accepts no liability for use of this test.

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9/95

ASSISTANCE DOG PUBLIC ACCESS CERTIFICATION TEST

NAME OF DOG AND RECIPIENT: _____

NAME OF TESTER: _____

DATE OF TEST: _____ DATE OF PLACEMENT: _____

TESTED ON (PLEASE CIRCLE ONE): PLACEMENT FOLLOW-UP

PURPOSE: The purpose of this Public Access Test is to ensure that dogs who have public access are stable, well-behaved, and unobtrusive to the public. It is to ensure that the client has control over the dog and the team is not a public hazard. This test is NOT intended as a substitute for the skill/task test that should be given by the program. It is to be used in addition to those skill/task tests. It is expected that the test will be adhered to as closely as possible. If modifications are necessary, they should be noted in the space provided at the end of the test.

DISMISSAL: Any dog that displays any aggressive behavior (growling, biting, raising hackles, showing teeth, etc.) will be eliminated from the test. Any dog that eliminates in a building or shows uncontrollable behavior will be eliminated from the test.

BOTTOM LINE: The bottom line of this test is that the dog demonstrates that he/she is safe to be in public and that the person demonstrates that he/she has control of the dog at all times.

TESTING EQUIPMENT: All testing shall be done with equipment appropriate to the needs and abilities of the team. All dogs shall be on-lead at all times except in the vehicle at which time it is optional.

This test is to take place in a public setting such as a mall where there are a lot of people and natural distractions. The individual will handle the dog and can use any reasonable/humane equipment necessary to ensure his/her control over the dog.

The evaluator will explain the test thoroughly before the actual testing, during which he/she will follow discreetly to observe when not directly interacting with the individual on a test related matter. The only things an evaluator needs are a clip board, an assistant, another dog, a plate with food, and access to a shopping cart.

COMMANDS: Commands may be given to the dog in either hand signals or verbal signals or both.

1. **CONTROLLED UNLOAD OUT OF VEHICLE:** After a suitable place has been found, the individual will unload the dog and any necessary equipment (wheelchair, walker, crutches, etc.) out of the vehicle. The dog must wait until released before coming out of the vehicle. Once outside, it must wait quietly unless otherwise instructed by the Individual. The dog may not run around, be off lead, or ignore commands given by the individual. Once the team is out of the vehicle and settled, the assistant should walk past with another dog. They should walk within six (6) feet of the team. The Assistance Dog must remain calm and under control, not pulling or trying to get to the other dog.

The emphasis on this is that the Assistance Dog remain unobtrusive and is unloaded in the safest manner possible for everyone.

2. **APPROACHING THE BUILDING:** After unloading, the team must maneuver through the parking lot to approach the building. The dog must stay in a relative heel position and may not forge ahead or lag behind. The dog must not display a fear of cars or traffic noises and must display a relaxed attitude. When the individual stops for any reason, the dog must stop also.

3. **CONTROLLED ENTRY THROUGH A DOORWAY:** Once at the doors of the building, the individual may enter however he/she chooses to negotiate the entry safely. Upon entering the building; however, the dog may not wander off or solicit attention from the public. The dog should wait quietly until the team is fully inside then should calmly walk beside the individual. The dog must not pull or strain against the lead or try to push its way past the individual but must wait patiently while entry is completed.
4. **HEELING THROUGH THE BUILDING:** Once inside the building, the individual and the dog must walk through the area in a controlled manner. The dog should always be within touching distance where applicable or no greater than a foot away from the individual. The dog should not solicit public attention or strain against the lead (except in cases where the dog may be pulling the individual's wheelchair). The dog must readily adjust to speed changes, turn corners promptly, and travel through a crowded area without interacting with the public. In tight quarters, the dog must be able to get out of the way of obstacles and not destroy merchandise by knocking it over or by playing with it.
5. **SIX FOOT RECALL ON LEAD:** A large, open area should be found for the six foot recall. Once found, the individual will perform a six foot recall with the dog remaining on lead. The individual will sit the dog, leave it, travel six feet, then turn and call the dog to him/her. The dog should respond promptly and not stop to solicit attention from the public or ignore the command. The dog should come close enough to the individual to be readily touched. For Guide Dogs, they must actually touch the person to indicate location. The recall should be smooth and deliberate without the dog trudging to the individual or taking any detours along the way.
6. **SITS ON COMMAND:** The team will be asked to demonstrate the Individual's ability to have the dog sit three different times. The dog must respond promptly each time with no more than two commands. There should not be any extraordinary gestures on the part of the people approaching the dog. Normal, reasonable behavior on the part of the people is expected.

The first sit will be next to a plate of food placed upon the ground. The dog must not attempt to eat or sniff the food. The individual may correct the dog verbally or physically away from the food, but then the dog must maintain a sit while ignoring the food. The dog should not be taunted or teased with the food. This situation should be made as realistic as possible.

The second sit will be executed, and the assistant with a shopping cart will approach within three feet of the dog and continue on past. The dog should maintain the sit and not show any fear of the shopping cart. If the dog starts to move, the individual may correct the dog to maintain the sit.

The last sit will be a sit with a stay as a person walks up behind the team, talks to the person and then pets the dog. The dog must hold position. The dog may not

break the stay to solicit attention. The individual may repeat the stay command along with reasonable physical corrections.

7. **DOWNS ON COMMAND:** The down exercises will be performed in the same sequence as the sits with the same basic stipulations. The first down will be at a table where food will be dropped on the floor. The dog should not break the down to go for the food or sniff at the food. The individual may give verbal and physical corrections to maintain the down. There should not be any extraordinary gestures on the part of the people approaching the dog. Normal, reasonable behavior from the people is expected.
The second down will be executed, and then an adult and child should approach the dog. The dog should maintain the down and not solicit attention. If the child pets the dog, the dog must behave appropriately and not break the stay. The individual may give verbal and physical corrections if the dog begins to break the stay.
8. **NOISE DISTRACTION:** The team will be heeling along and the tester will drop a clipboard to the ground behind the team. The dog may acknowledge the noise, but may not in any way show aggression or fear. A normal startle reaction is fine—the dog may jump and or turn—but the dog should quickly recover and continue along on the heel. The dog should not become aggressive, begin shaking, etc.
9. **RESTAURANT:** The team and tester should enter a restaurant and be seated at a table. The dog should go under the table or, if size prevents that, stay close by the individual. The dog must sit or lie down and may move a bit for comfort during the meal, but should not be up and down a lot or need a lot of correction or reminding. This would be a logical place to do the food drop during a down. (See #7)
10. **OFF LEAD:** Sometime during the test, where appropriate, the person will be instructed to drop the leash while moving so it is apparent to the dog. The individual must show the ability to maintain control of the dog and get the leash back in its appropriate position. This exercise will vary greatly depending on the person's disabilities. The main concern is that the dog be aware that the leash is dropped and that the person is able to maintain control of the dog and get the leash back into proper position.
11. **CONTROLLED UNIT:** The team will leave the building in a similar manner to entering, with safety and control being of prime importance. The team will proceed across the parking lot and back to the vehicle. The dog must be in appropriate heel position and not display any fear of vehicle or traffic sounds.
12. **CONTROLLED LOAD into VEHICLE:** The individual will load the dog into the vehicle, with either entering first. The dog must not wander around the parking lot but must wait patiently for instructions. Emphasis is on safety and control.

A= Always

M= Most of the time (more than half of time)

S= Some of the time (half or less of the time)

N= Never

1. **CONTROLLED UNLOAD OUT OF VEHICLE** Dog did not try to leave vehicle until given release command.
___ YES* ___ NO The dog waited in the vehicle until released.*
___ YES ___ NO The dog waited outside the vehicle under control.
___ YES ___ NO The dog remained under control while another dog was walked past.
2. **APPROACHING THE BUILDING** Relative heel position, not straining or forging.
___ A ___ M ___ S ___ N The dog stayed in relative heel position.
___ YES* ___ NO The dog was calm around traffic.*
___ A ___ M ___ S ___ N The dog stopped when the individual came to a halt.
3. **CONTROLLED ENTRY THROUGH A DOORWAY**
___ YES* ___ NO The dog waited quietly at the door until commanded to enter.*
___ YES* ___ NO The dog waited on the inside until able to return to heel position.*
4. **HEELING THROUGH THE BUILDING**
___ A ___ M ___ S ___ N The dog was within the prescribed distance of the individual.
___ A ___ M ___ S ___ N The dog ignored the public, remaining focused on the individual.
___ A ___ M ___ S ___ N The dog readily adjusted to speed changes.
___ A ___ M ___ S ___ N The dog readily turned corners—did not have to be tugged or jerked to change direction.
___ A ___ M ___ S ___ N The dog readily maneuvered through tight quarters.
5. **SIX FOOT RECALL ON LEAD**
___ YES* ___ NO The dog responded readily to the recall command—did not stray away, seek attention from others, or trudge slowly.*
___ YES* ___ NO The dog remained under control and focused on the individual.*
___ YES* ___ NO The dog came within the prescribed distance of the individual.*
___ YES* ___ NO The dog came directly to the individual.*
6. **SITS ON COMMAND**
___ A ___ M ___ S ___ N The dog responded promptly to the command to sit.
___ YES* ___ NO The dog remained under control around food—not trying to get food and not needing repeated corrections.*
___ YES* ___ NO The dog remained composed while the shopping cart passed—did

not shy away, show signs of fear, etc. shopping cart should be pushed normally and reasonable, not dramatically.*

YES* NO The dog maintained a sit-stay while being petted by a stranger.*

7. **DOWNS ON COMMAND**

A M S N The dog responded promptly to the command to down.

YES* NO The dog remained under control around the food—not trying to get food and not needing repeated corrections.*

YES NO The dog remained in control while the child approached—child should not taunt dog or be overly dramatic.

8. **NOISE DISTRACTIONS** If the dog jumps, turns, or shows a quick startle type reaction, that is fine. The dog should not show fear, aggression, or continue to be affected by the noise.

YES* NO The dog remained composed during the noise distraction.*

9. **RESTAURANT**

YES* NO The dog is unobtrusive and out of the way of patrons and employees as much as possible.*

YES* NO The dog maintained proper behavior, ignoring food and being quiet.*

10. **OFF LEAD**

YES* NO When told to drop the leash, the team maintained control and the individual got the leash back in position.*

11. **DOG TAKEN BY ANOTHER PERSON** To show that the dog can be handled by another person without aggression or excessive stress or whining, someone else will take the dog's leash and passively hold the dog (not giving any commands) while the dog's partner moves 20' away.

YES NO Another person can take the dog's leash and the dog's partner can move away without aggression or undue stress on the part of the dog.

12. **CONTROLLED EXIT**

A M S N The dog stayed in relative heel position.

YES* NO The dog was calm around traffic.*

A M S N The dog stopped when the individual came to a halt.

13. **CONTROLLED LOAD INTO VEHICLE**

YES NO The dog waited until commanded to enter the vehicle.

YES NO The dog readily entered the vehicle upon command.

14. **TEAM RELATIONSHIP**

A M S N When the dog did well, the person praised the dog.

A M S N The dog is relaxed, confident, and friendly.

A M S N The person kept the dog under control.

Scoring:

The team must score all 'Always' or 'Most of the time' responses on the A-M-S-N parts of the test.

The team must score at least 80% "yes" answers on the "yes" "no" portion of the test

All questions marked by an asterisk must be answered by a "YES" response.

Were there any unique situations that made any portion of this test not applicable?